IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

WP(C).No. 5504 of 2007(E)

PETITIONER:

K.H. SALIM, AGED 40 YEARS,
S/O. HAMEED KUNJU, KOONAMPARAMBIL HOUSE,
ARATTUPUZHA NORTH (P.O), THRIKUNNAPUZHA,
ALAPPUZHA DISTRICT, WORKING AS U.D.CLERK,
OFFICE OF THRIKKUNNAPUZHA GRAMA PANCHAYATH.

BY ADV. SRI.S.SHANAVAS KHAN
SMT.S.INDU

RESPONDENTS:

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1. THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PANCHAYATH,
THIRUVANANTHAPURAM.

3. THE THRIKUNNAPUZHA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY.

4. VIJAYAN,
U.D.CLERK, CHERIYANAD GRAMA PANCHAYATH,
ALAPPUZH DISTRICT.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO.5504 of 2007

Dated this the 23rd day of February, 2007

JUDGMENT

The petitioner who has been suffered five consecutive transfers within a span of five months, the last one issued within an interval of five days, has approached this Court challenging the arbitrary order passed by the second respondent on 9.2.2007. The impugned proceedings of the second respondent are the continuation of a series of orders of transfers and postings issued within a period of five or six months and what is seen from Ext.P3 order dated 9.2.2007 is that dislocation has been caused to 118 employees who belong to the category of Upper Division Clerks.

2. The petitioner was transferred and posted in the Station where he was working as on 9/2/2007 by proceedings dated 2.2.2007. Ext.P2 proceedings dated 2.2.2007 itself refers to another order of the same kind issued on 25.1.2007. The

petitioner, prima facie, seems to be justified in contending that human problems involved in such frequent orders of transfers and postings have been totally disregarded and that the second respondent has been passing orders of transfers one after another causing heart-burn and hardships to a major section of the employees of the Panchayat Department, just to please a favoured group whose dictates are translated into action by that respondent. Needless to state that such transfers and postings will not do any good to the administration. It will only cause unnecessary expenditure to the public exchequer because orders of transfers and postings ordered not at the request of the employees will invite claims for travelling allowances and other expenditure. The state machinery will have to spend time, energy and money to defend those orders when questioned before Court.

3. This Court had to pass an interim order staying the operation of Ext.P3 in a writ petition filed by another aggrieved Upper Division Clerk in W.P.(C)4788/2007.

4. The petitioner was relieved before the order of stay was served on the concerned authorities. Respondent No.4 who was

posted as substitute in the place of the petitioner also got relieved from the Grama Panchayat where he was working as on 9.2.2007.

5. Learned counsel for the petitioner, in the above circumstances, submits that the petitioner will be satisfied, for the time being, if this Court directs the first respondent before whom Ext.P4 representation filed by him is pending, to pass appropriate orders, as expeditiously as possible. I am inclined to grant the above prayer. Accordingly, after hearing the Government Pleader also and without issuing notice to the 4th respondent, this writ petition is disposed of directing the first respondent to consider Ext.P4, having regard to all relevant facts and circumstances and to dispose of the same within three weeks from the date of receipt of a copy of the judgment. The petitioner shall produce a copy of the judgment and a copy of the writ petition before the first respondent for information and compliance.

K.K.DENESAN, JUDGE

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